

REMARKS

In the Office Action dated September 28, 2004, claims 1-3, 6, 7, 9, 11-13, 16, 18, 20, 23, 24, 26, 33, and 35 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,754,831 (Berman); claim 17 was rejected under § 103 over Berman; claims 4, 28, and 31 were rejected under § 103 over Berman in view of U.S. Patent No. 6,028,846 (Cain); claims 32, 34, and 36 were rejected under § 103 over Berman in view of U.S. Patent No. 6,665,271 (Thomas); and claim 37 was rejected under § 103 over Berman and Cain in view of Thomas.

Applicant acknowledges the allowance of claim 27 and the indication that claims 5, 8, 19, 21, 29, and 30 contain allowable subject matter. Applicant also notes that claim 37 should be indicated as being allowed since claim 37 depends from allowed claim 27.

Claims 5, 8, 19, 21, 29, and 30 have been amended from dependent form to independent form, with the scope of each claim *unchanged*, to place the claims in condition for allowance.

Independent claims 20 and 35 have been amended to recite "packet jitter parameters," which has been indicated by the Office Action as being distinguishable over the cited references.

Claim 34 has also been amended from dependent form to independent form. Claim 34 recites an E-model quality rating value, similar to the E-model quality rating value recited in allowable claim 8. Therefore, it is respectfully submitted that claim 34 is also allowable.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0049US).

Respectfully submitted,

Date: 12-21-04

  
\_\_\_\_\_  
Dan C. Hu

Registration No. 40,025  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
Telephone: (713) 468-8880  
Facsimile: (713) 468-8883